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13 Attorneys for Defendants
GREAT WESTERN FINANCIAL CORPORATION EMPLOYEE
14 WELFARE PLAN; WASHINGTON MUTUAL BANK; and
WASHINGTON MUTUAL, INC. FLEXIBLE BENEFITS PLAN
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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 MARY L. FELICIANO,) Case No.: C06-05458 SI
20 Plaintiff,)
21 vs.) STIPULATION AND [PROPOSED] ORDER
22 GREAT WESTERN FINANCIAL) EXTENDING TIME TO COMPLETE
CORPORATION LONG TERM DISABILITY) MEDIATION, AND FOR BRIEFING AND
PLAN, et al.,) HEARING OF SUMMARY JUDGMENT
23) CROSS-MOTIONS
24 Defendants.)
25 _____)

26 WHEREAS, at the case management conference ("CMC") on June 1, 2007 in the above action,
27 which arises under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.,
28 the Court directed plaintiff Mary Feliciano and defendants Great Western Financial Corporation Employee

STIP AND PROPOSED ORDER EXTENDING TIME

1 Welfare Plan, Washington Mutual Bank and Washington Mutual, Inc. Flexible Benefits Plan (collectively,
 2 "the parties"), to complete private mediation by August 10, 2007;

3 WHEREAS, at the CMC on June 1, 2007 the Court further set a briefing schedule and hearing date
 4 for summary judgment cross-motions in which defendants' opening motion brief is due on September 7,
 5 2007, plaintiff's combined motion opposition and opening cross-motion brief is due on September 21,
 6 2007, defendants' combined cross-motion opposition and motion reply brief is due October 5, 2007,
 7 plaintiff's cross-motion reply brief is due October 12, 2007, and a hearing is set at 9:00 a.m. on October 26,
 8 2007;

9 WHEREAS, the parties (through counsel) diligently attempted to schedule the mediation but had
 10 difficulty selecting a mutually agreeable mediator, and had multiple discussions regarding a variety of
 11 mediators before finally agreeing on David Meadows;

12 WHEREAS, due to press of business and vacation schedules, the earliest date that is mutually
 13 available for the parties, their counsel and Mr. Meadows is in early October 2007, and the parties have
 14 tentatively agreed on a mediation date of October 10, 2007;

15 WHEREAS, in the interest of judicial economy and conserving the resources of the parties and the
 16 Court, the parties wish to participate in the mediation before incurring the time and expense of preparing
 17 and filing opening briefs for cross-motions for summary judgment;

18 WHEREAS, none of the parties will be prejudiced by extension of the deadlines for completing
 19 mediation and for briefing and hearing of summary judgment cross-motions;

20 WHEREAS, the parties will endeavor in good faith to attempt resolution of this dispute at the
 21 mediation, and are concerned that the possibility of a successful mediation will be reduced if their
 22 litigation expenses are increased by their preparation and filing of summary judgment briefs prior to the
 23 mediation;

24 NOW, THEREFORE, the parties hereby stipulate to and mutually request that the Court grant an
 25 extension of the deadline for completing mediation to October 10, 2007, and grant an extension of the
 26 briefing schedule and hearing date for summary judgment cross-motions so that defendants' opening
 27 motion brief is due on October 19, 2007, plaintiff's combined motion opposition and opening cross-motion
 28 brief is due on November 2, 2007, defendants' combined cross-motion opposition and motion reply brief is

STIP AND PROPOSED ORDER EXTENDING TIME

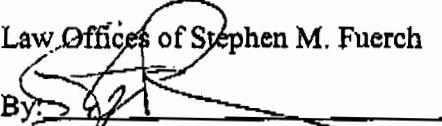
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1 due November 16, 2007, plaintiff's cross-motion reply brief is due November 30, 2007, and a hearing is set
2 at 9:00 a.m. on December 14, 2007.

3 Dated: September 4, 2007

Law Offices of Stephen M. Fuerch

5 By: 

Stephen M. Fuerch
Attorneys for Plaintiff,
Mary L. Feliciano

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7 Dated: September 4, 2007

8 SEDGWICK, DETERT, MORAN & ARNOLD LLP

9 By: 

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Rebecca A. Hull
Michael N. Westheimer
Attorneys for Defendants,
Great Western Financial Corporation Employee Welfare
Plan; Washington Mutual Bank; and Washington Mutual,
Inc. Flexible Benefits Plan

Good cause appearing, IT IS HEREBY ORDERED that deadline for completing mediation in the above action is extended to October 10, 2007, the briefing schedule and hearing date for summary judgment cross-motions is extended so that defendants' opening motion brief is due on October 19, 2007, plaintiff's combined motion opposition and opening cross-motion brief is due on November 2, 2007, defendants' combined cross-motion opposition and motion reply brief is due November 16, 2007, plaintiff's cross-motion reply brief is due November 30, 2007, and a hearing is set at 9:00 a.m. on December 14, 2007.

IT IS SO ORDERED.

DATED: _____

Hon. Susan Illston
United States District Judge

The November 13, 2007 pretrial conference and the November 26, 2007 trial is vacated. A further case management conference will be scheduled to occur on Friday, Decmeber 14, 2007, at 2:30 p.m.

STIP AND PROPOSED ORDER EXTENDING TIME